

REMARKS**Summary of the Office Action**

The Office Action stated that the Information Disclosure Statement filed on December 27, 2001 failed to comply with 37 C.F.R. § 1.98(a)(3).

Drawings 5, 6, and 7 are objected to because they should be designated by a legend such as --Prior Art--. The drawings are also objected to for failure to show “a plurality of electric staplers 1” as found on page 2 of the specification.

The specification is objected to for grammatical errors and awkward sentences.

The title of the invention is objected to as not descriptive.

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 1, 2, and 4-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,124,375 to Wood (“Wood”).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of U.S. Patent No. 6,921,069 to Suzuki et al. (“Suzuki”).

Summary of the Response to the Office Action

Claims 1-9 are presently pending for further consideration. Claims 1, 2, 4, 6, and 7 have been amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. Claims 8 and 9 have been added.

A new Information Disclosure Statement is being filed under separate cover to comply with 37 C.F.R. § 1.98(a)(3).

A substitute specification correcting informalities is being concurrently submitted.

Corrected drawings sheets for Figures 5, 6, and 7 are submitted under separate cover to comply with 37 C.F.R. § 1.121(d).

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 4, the phrase “the sheets are bound by folding to bend leg portions of the staple by the clincher” has been changed to “the sheets are bound by the clincher’s folding leg portions of the staple.”

In claims 1 and 2, the phrase “after operating to bind the sheet” has been changed to “after binding the sheets.”

In claim 2, “the recess groove” has been replaced by “the recess grooves.”

The Office Action states that “[c]laim 2 is unclear as to what specific structure is being defined.” Claim 2 has been amended to clarify the structure being defined and recites a structure that allows the operation described in paragraph [0019] and shown in Figures 2(a)-(c). Figure 2(a) shows the press blade 19 of the driver unit 13 in an initial retracted position. Figure 2(b) shows the press blade 19 in an intermediate position – the position it is in when the sheets are bound. Figure 2(c) shows the press blade 20 further driven to form the fold line by pressing the sheets between the press blade and the recess grooves.

Claim 5 recites a structure capable of an operation similar to that of claim 2.

In claim 6, the phrase “the driver” has been replaced by “a driver.”

In claim 7, the phrase “the pinching step” has been replaced by “when the sheets of paper are pinched between the driver unit and the clincher.” Accordingly, Applicants request that the rejection of claims 1-7 under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejection Under 35 U.S.C. § 102(b)

Claims 1, 2, and 4-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wood. Applicants respectfully traverse the rejection of claims 1, 2, and 4-7.

Independent claims 1 and 4 recite “recess grooves formed at two contiguous portions of a staple injecting port of the driver unit.” Similarly, independent claim 6 recites “recess grooves formed on the driver unit at two contiguous portions of the staple injecting port.” In other words, both the contiguous portions and the staple injecting port must be on the driving unit.

The Office Action asserts that receiving heads 22 and spring clips or holders 23 of Wood form recess grooves and constitute the two contiguous portions of the staple injecting port (which the Office Action asserts is the stapling heads 31 of Wood). The Office Action also asserts that the plunger 32 of Wood is the driver unit with a driver. Assuming, for the sake of argument, that plunger 32 of Wood is analogous to the driver unit recited in claims 1, 4, and 6, the receiving heads 22 and spring clips or holders 23 of Wood cannot form the recess grooves formed at two contiguous portions because the receiving heads 22 and spring clips or holders 23 of Wood are not located on the driver. Neither are the receiving heads 22 and spring clips or holders 23 of Wood contiguous to a staple injecting port as recited in claims 1, 4, and 6. As clearly shown in Figures 1 and 5 of Wood, the receiving heads 22 and spring clips or holders 23 are attached to arms 21 which swing from the right side of the drawings, and the stapling heads 31 are ultimately attached to links 41, which pivot on the left sides of the drawings.

For at least the above reasons, Applicants respectfully request that the rejection of claims 1, 2, and 4-7 under 35 U.S.C. § 102(b) as being anticipated by Wood be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Suzuki et al. A copy of the Priority Document JP 2002-188883, filed on June 28, 2002 during the international stage of the PCT Application, and an English translation of that priority document are attached. Because Suzuki was not filed in the U.S. until January 10, 2003 and not published until August 14, 2003, perfection of priority for the present U.S. patent application should overcome the rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Suzuki et al.

Applicants respectfully assert that independent claims 1, 4, and 6; and their dependent claims 2, 3, 5, 7, 8, and 9 are in condition for allowance.

CONCLUSION


It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicants respectfully request a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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